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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,680	11/30/1999	MITSUJI MARUMO	35.G2504	8003

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EXAMINER

RAO, SHRINIVAS H

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/450,680	MARUMO, MITSUJI	
	Examiner	Art Unit	
	Steven H. Rao	2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 22-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 30 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Priority

Receipt is acknowledged of appear submitted under 37 CFR 1.114 claiming priority from U.S. Serial No. 09/450,680 filed on November 30, 199 which itself claims priority under 35 U.S. C. 119 from Japanese Patent Application No. 357007 filed December 02, 1998.

Request for Continued Examination Application (RCE)

The request filed on January 05, 2005 for a Request for continued Examination Prosecution Application (RCE) under 37 CFR 1.114 based on parent Application No. 09/450,680 has been entered on January 18, 2005 and is acceptable and a RCE has been established . An action on the RCE follows.

Information Disclosure Statement

No further IDS has been filed after the one filed on October 04, 2001.

Preliminary Amendment Status

Acknowledgement is made of entry of the amendment filed along with the request for RCE on January 18, 2005 .

Therefore claims 22 28 and 29 as presently amended and claims 23 to 27 and 30-33 as previously recited are currently pending in the Application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22 to 26 and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable are rejected under 35 U.S.C. 103 (a) as being unpatentable over AAPR (Applicants' Admitted Priori Art) in view of Drake et al. (U.S. Patent No. 5,006,760, herein after Drake). (for response to Applicants' arguments –see section below).

With respect to claim 22, AAPR describes a pod for attachment to a grounded outside electromagnetic-shielded chamber containing a device manufacturing apparatus for processing a substrate , said pod comprising :

Walls for containing the substrate (AAPR figure 10) and a lid for an opening defined by the walls ,(AAPR specification page 30 line 29 to page 3 lines24)

for transferring the substrate between said pod and the grounded electromagnetic –shielded chamber .

The limitation , “for transferring the substrate between said pod and the grounded elect has been held that an intended use recitation i.e. manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. See ex parte Masham, 2 USPQ 2d 1647 (1987) , see also In re Fuller, 1929 C.D. 172, 388 O.G. 279.

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The remaining limitations of claim 22 :

wherein said walls comprise an electro magnetic shield member, said electromagnetic shield member including a portion to contact the grounded electromagnetic-shielded chamber during the attachment of said pod to the grounded electromagnetic –shielded chamber.

AAPR describes in specification page 3 lines 17-20 shield metal chambers for EMI protection, it does not specifically mention an electromagnetic shield member provided by said walls.

However Drake in figures 1, etc. and col. 2 lines 25-31 describes an electromagnetic shield to formed on outer surface that protects the wafer inside from electromagnetic radiation. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include Drake's pod including an electro magnetic shield in AAPR'S device for shield metal chamber the to form an outer surface that protects the wafer inside from electromagnetic radiation.

(The limitation including a portion to contact the grounded electromagnetic-shielded chamber during the attachment of said pod to the grounded electromagnetic –shielded chamber is described in Drake figure 1, chamber 10 connected to ground through 26).

With respect to claim 23 , AAPR describes a pod according to claim 22, wherein said lid is arranged in front of said pod .

With respect to claim 24, AAPR describes a pod according to claim 22 , wherein said lid is arranged in a bottom of said pod.

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With respect to claim 25, APPR describes a pod according to claim 22, wherein said electromagnetic shield member comprises wire mesh arranged on or within said walls.

With respect to claim 26, APPR describes a pod according to claim 22, wherein said electromagnetic shield member comprises metal coatings arranged on said walls.

With respect to claim 27, AAPR describes a pod according to claim 22, wherein said electromagnetic shield member comprises electromagnetic- shield materials arranged in said walls.

With respect to claim 28, AAPR describes an apparatus for manufacturing a device using a substrate, said apparatus comprising : an electromagnetic-shielded chamber, (AAPR specification page 3) a transfer unit in said electromagnetic –shielded chamber, (AAPR specification page 1 lines 14,24-27, etc.) for transferring the substrate between said electromagnetic shielded chamber (The limitation , “for transferring the substrate between said pod and the grounded electromagnetic –shielded chamber” is taken to be a intended use recitation. It is ahs been held that an intended use recitation i.e. manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. See ex parte Masham, 2 USPQ 2d 1647 (1987) , see also In re Fuller, 1929 C.D. 172, 388 O.G. 279) and a pod attached to an outside surface of said electromagnetic-shielded chamber (see rejection of claim 22 above) and a processing unit (AAPR figure 10, specification page 1 lines 25-27) for

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performing a process using the substrate transferred into said electromagnetic – shielded chamber from the pod by said transfer unit, (intended use see above) wherein said electromagnetic shielded chamber has a grounded portion to provide a grounded connection to the attached pod. (Drake figure 1 chamber 10 connected to ground through 26).

With respect to claim 29, AAPR describes an apparatus according to claim 28, wherein said electromagnetic-shielded chamber comprises a door through which said transfer unit transfers the substrate between said electromagnetic –shielded chamber and the pod, (AAPR figure 10, specification page 4 lines 17-35) said grounded portion is arranged around said door. (AAPR figure 10) .

With respect to claim 30, AAPR describes an apparatus according to claim 28, wherein the process performed by said process unit is exposure of the substrate to a pattern. (AAPr specification page 3 lines 25-35)

With respect to claim 31, AAPR describes an apparatus according to claim 28, wherein a lid of the pod is arranged in front of the pod. (APR specification page 3 lines 4-10)

With respect to claim 32, AAPR describes an apparatus according to claim 28, wherein a lid of the pod is arranged in a bottom of the pod. (AAPR page 2 line 32-34)

With respect to claim 33, AAPR describes an apparatus according to claim 28, wherein the walls of the pod comprises an electromagnetic shield member. (Drake figure 1 , col. Lines 25-31, etc.).

Response to Arguments

Applicant's arguments filed on 01/05/2005 have been fully considered but they are not persuasive. for the following reasons :

Applicants' argument is based on improper piece meal analysis of individual references whereas the rejection is based on the combined teachings of AAPR (primary reference and Drake (Secondary reference). See *In re Keller* 208 USPQ 871(CCPA 1981).

Applicants' arguments is based on incomplete understanding of the previous rejection.

The previous rejection is based on including Drake's pod (secondary reference) including an electro magnetic shield in AAPR'S device (primary reference) for shield metal chamber the to form an outer surface that protects the wafer inside from electromagnetic radiation, whereas Applicants' are attempting to argue why including the primary reference's device when included in the secondary reference will allegedly not work,.

Further assuming such analysis is permitted Applicants' arguments are based on equating upper electrode 11 of Drake to an electromagnetic shield chamber this is incorrect because drake itself identifies its chamber as element 10 and element 11 is just the upper electrode..

Further Drake as previously stated in figure 1 chamber 10 connected to ground through 26).

Therefore all of Applicants' arguments are not persuasive.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H. Rao whose telephone number is (571) 272-1718. The examiner can normally be reached on 8.00 to 5.00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven H. Rao

Patent Examiner
March 03, 2005.